

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JOHN MCGRAW,

Plaintiff,

V.

CHARLES KIM, et al.,

Defendants.

Case No. 2:22-cv-01414-APG-NJK

Order

[Docket Nos. 21, 25]

Pending before the Court is the parties' stipulation to stay discovery. Docket No. 25.

The Court has broad discretionary power to control discovery. *See, e.g., Little v. City of Seattle*, 863 F.2d 681, 685 (9th Cir. 1988). “The Federal Rules of Civil Procedure do not provide for automatic or blanket stays of discovery when a potentially dispositive motion is pending.” *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011). Discovery should proceed absent a “strong showing” to the contrary. *Turner Broadcasting Sys., Inc. v. Tracinda Corp.*, 175 F.R.D. 554, 556 (D. Nev. 1997). The case law in this District makes clear that requests to stay discovery may be granted when: (1) the underlying motion is potentially dispositive in scope and effect; (2) the underlying motion can be decided without additional discovery; and (3) the Court has taken a “preliminary peek” at the merits of the underlying motion and is convinced that the plaintiff will be unable to prevail. *Kor Media Grp., LLC v. Green*, 294 F.R.D. 579, 581 (D. Nev. 2013). The Court is guided in its analysis by the objectives in Rule 1 to secure a just, speedy, and inexpensive determination of cases. *Tradebay*, 278 F.R.D. at 602.

A stay of discovery is warranted in this case. The parties agree that the pending motions to dismiss are potentially dispositive. Docket No. 25 at 2. *See also* Docket Nos. 5, 9 (motions to

1 dismiss). Additionally, the undersigned's evaluation of the motions to dismiss reveals that they
2 are sufficiently meritorious to justify a stay of discovery.¹

3 Accordingly, the stipulation to stay discovery is **GRANTED**. Docket No. 25. In the event
4 resolution of the motions to dismiss does not result in the termination of this case, a joint proposed
5 discovery plan must be filed no later than 14 days after the issuance of the order resolving the
6 motions to dismiss at Docket Nos. 5, 9.

7 Defendants' motion to stay discovery is **DENIED** as moot. Docket No. 21.

8 IT IS SO ORDERED.

9 Dated: November 8, 2022

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11 Nancy J. Koppe
United States Magistrate Judge

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26 ¹ Conducting this preliminary peek puts the undersigned in an awkward position because the
assigned district judge who will decide the underlying motion may have a different view of its
merits. *See Tradebay*, 278 F.R.D. at 603. This "preliminary peek" at the merits of the underlying
motion is not intended to prejudice its outcome. *See id.* As a result, the undersigned will not
provide a lengthy discussion of the merits of the underlying motion. Nonetheless, the undersigned
has carefully reviewed the arguments presented in the underlying motion.